

### **REMARKS**

In the subject Office Action, claims 1, 3-5, 8-10, 13 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,502,371 to DeMatteis et al. in view of U.S. Patent No. 3,857,139 to Turner. In addition, claims 2 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over DeMatteis in view of Turner and in further view of U.S. Patent No. 6,286,681 to Wilfong. Claims 1, 3-5 and 8-15 were also rejected as being unpatentable over U.S. Patent No. 6,718,738 to Huseman in view of Turner.

In response, independent claims 1 and 13 have been amended to recite the “at least one vent permitting heat to escape when a food portion is heated in the bag”. In addition, independent claims 1 and 13 have been amended to recite that the bags have closures for their open tops. Applicants respectfully submit that amended claims 1 and 13 are patentable over the cited references.

Neither DeMatteis nor Turner disclose a bag having “front and back walls constructed of a material that will withstand freezing and heating with said at least one vent permitting heat to escape when a food portion is heated in the bag” as recited by amended claims 1 and 13. Turner does not disclose vents at all. The vents in DeMatteis have nothing to do with heating food in the bag. Lines 11-13 of col. 4 of DeMatteis indicate that the vents are for venting hot food loaded into the bags, such as in a fast food restaurant. DeMatteis also shows a bag that does not have a closure. It is therefore unusable for food storage, freezing and heating. In addition, there is no mention in either reference that the bag may be made out of a material that will withstand both freezing and heating.

There is also no reference that the bag may be made out of material that will withstand both freezing and heating in Huseman. Furthermore, the vents in Huseman have nothing to do

with heating food in the bag. As illustrated in Figs. 4-6 and described in col. 7, lines 14-19, the air holes allow "air flow within the bag cavity 30 and any produce that may be contained therein." Applicants therefore respectfully submit that amended independent claims 1 and 13 are also patentable over Huseman in view of Turner.

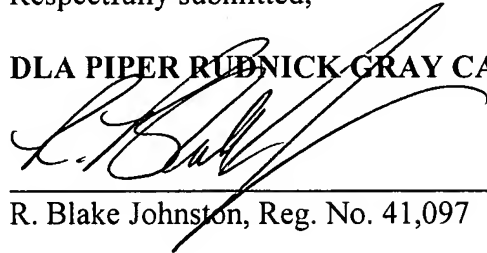
As a result, Applicant respectfully submits that amended independent claims 1 and 13, and the claims that are dependent thereon, are patentable over the cited references.

Applicants appreciate the Examiner's indication that claims 18-20 are allowable.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance and such action is respectfully requested. If a telephone call would advance the prosecution of the case, please contact the undersigned lawyer at the number below.

Respectfully submitted,

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